

Translation of the pertinent portions of a Notification Advising the Forwarding of the International Search Report and the Written Notification from the International Searching Authority or the Declaration, mailed 07/01/2005

This International Search Report comprises a total of 3 pages. Copies of the documents cited in this report are also enclosed.

4. Regarding the title of the invention:

X the wording filed by Applicant is approved.

5. Regarding the abstract:

X the wording was determined by the Office in accordance with Rule 38.2b) in the version shown in Field IV [and as indicated on the cover sheet of the published PCT application].

6. Fig. 10, as selected by the Office, is to be published with the abstract, since Applicant has not proposed a drawing figure.

WRITTEN REPORT FROM THE INTERNATIONAL SEARCHING AUTHORITY

1. This report contains information regarding the following items:

| | |
|-------------|--|
| Field No. I | Basis of the Report |
| Field No. V | Reasoned Determination under Rule 43bis.1(a) (i) |

Field No. I Basis of the Report

[Nothing is marked in this section]

Field No. V Reasoned Determination under Rule 43bis.1(a) (i)

1. Determination

| | |
|---------|----------------------------|
| Novelty | Yes: Claims 1,2,7-15,17-20 |
| | No: Claims 3-6,16 |

| | |
|----------------------|----------------------------|
| Inventive Activities | Yes: Claims 7-12,17 |
| | No: Claims 1-6,13-16,18-20 |

| | |
|--------------------------|------------------|
| Commercial Applicability | Yes: Claims 1-20 |
| | No: Claims |

2. Documents and Explanations:

see the attached sheet

10/594792

IAPO1 Rec'd PCT/PTO 29 SEP 2006

ATTACHED SHEET

Re.: Item V

1. Reference is made to the following documents:

D1 to D2 [handwritten changes made on the Notice
not included here]

2. INDEPENDENT CLAIM 3

2.1 The present application does not meet the requirements of Article 33(1) PCT, because claim 3 is not novel within the meaning of Article 33(2) PCT. Document D1 discloses (the references in parentheses relate to this document):

a longitudinal folding apparatus, to which a product (12) can be supplied over a transport track (10), wherein a sensor (14) is arranged on the transport track (10) upstream of the longitudinal folding apparatus (01), wherein the sensor (14) is embodied as a sensor (14) which detects the product phase relation, and that the sensor (14) is connected via a control device (18) with a drive mechanism (30), which is mechanically independent from the drive mechanism of the transport tracks (10) of the processing stage, which controls the drive mechanism (30) while taking the detected product phase relationship into consideration.

2.2 The characteristics of present claim 3 are also known from document D3.

3. DEPENDENT CLAIMS 4 to 6 and 13 to 16

Claims 4 to 6 and 13 to 16 in connection with a folding apparatus do not contain any characteristics which, in combination with the characteristics of any claim from which they depend, meet the requirements of PCT in regard to novelty or inventive activities.

4. DEPENDENT CLAIMS 7 to 12 and 17

The combination of characteristics contained in dependent claims 7 to 12 and 17 in connection with a folding apparatus is neither known from the available prior art, nor is it suggested by it.

5. INDEPENDENT CLAIM 1

5.1 The present application does not meet the requirements of Article 33(1) PCT, because the subject of claim 1 is not based on inventive activities within the meaning of Article 33(3) PCT.

5.2 Document D2 is considered to be the closest prior art in regard to the subject of claim 1. It discloses ((the references in parentheses relate to this document):

a system with alternative processing tracks (O, U) for further processing of products (10), having a shunt (5), at which a conveying track is split into a plurality of alternative transport tracks (O, U) for further processing of the products (10) in processing stages (1, 2), wherein a sensor (19) which detects the product phase relation is arranged upstream of the shunt (5) and whose signal acts via a control device (24) on a drive mechanism actuating the shunt (5), and wherein a further sensor (22, 23) is respectively arranged on at least two transport tracks (O, U).

5.3 The subject of claim 1 therefore differs from the known system in that the further sensor (18) is embodied as a sensor (18) which detects the product phase relation and that the sensor (18) is connected via a control device (10, 19) with a drive mechanism (05, 16), which is mechanically independent from the drive mechanism of the transport tracks (33, 36, 37) of the processing stage (01) and which controls the drive mechanism (05, 16) while taking the detected product phase relationship into consideration.

5.4 However, these characteristics had already been used for the same purpose in a similar longitudinal folding apparatus, see documents D1 or D3 in this connection. If one skilled in the art attempts to achieve the same purpose in a system in accordance with document D2, it is easily possible for him to apply the characteristics with a corresponding effect also to the subject of D2. The interactions between the characteristics of claim 1 do not provide a synergistic effect. Therefore claim 1 contains a mere sequence or side-by-side placement of characteristics and not a true combination of characteristics. In this way he would arrive at a system in accordance with claim 1 without inventive actions.

6. DEPENDENT CLAIMS 2, 4 to 6, 15 and 16

Claims 2, 4 to 6, 15 and 16 in connection with a system do not contain any characteristics which, in combination with the characteristics of any claim from which they depend, meet the requirements of PCT in regard to inventive activities.

7. DEPENDENT CLAIMS 7 to 12 and 17

The combination of characteristics contained in dependent claims 7 to 12 and 17 in connection with a system is neither known from the present prior art, nor is it suggested by it.

8. INDEPENDENT CLAIM 18

8.1 The present application does not meet the requirement of Article 33(1) PCT because the subject of claim 18 is not based on inventive activities within the meaning of Article 33(3) PCT.

8.2 Document D2 is considered to be the closest prior art in respect to the subject of claim 18. It discloses (the references in parentheses relate to this document):

a method for the synchronous operation of a folding apparatus with alternative processing paths, wherein

- a product phase relationship is determined by means of a sensor (19) arranged upstream of a shunt (5),
- by means of standards fixed for the production, the product flow is conducted by means of the shunt (5) into a predetermined processing path or is split into several processing paths,
- in that an operating position of the shunt (5) is synchronized with the product phase relationship on the basis of the signals from the sensor (19).

8.3 The subject of claim 18 therefore differs from the known method in that

- a product phase relationship is determined prior to or at the time of entry into the processing stage (01) by means of a second sensor (39), which is arranged downstream of the shunt (34) and upstream of a processing stage (01),
- and the movement of a tool (03) of the processing stage (01) is synchronized with the product phase relationship by a second control device (19) on the basis of the signals from the second sensor (18).

8.4 However, these characteristics had already been employed for the same purpose in a similar method, see document D1 or D3 in this connection. If one skilled in the art intends to achieve the same purpose in connection with a method in accordance with D2 it is easily possible for him to apply the characteristics also in connection with the subject of D2 with a corresponding effect. The interactions between the characteristics of claim 18 do not provide a synergistic effect. Therefore claim 18 contains a mere sequence or side-by-side placement of characteristics and not a true combination of characteristics. In this way he would

arrive at a system in accordance with claim 18 without inventive actions.

9. DEPENDENT CLAIMS 19 and 20

Claims 19 and 20 do not contain any characteristics which, in combination with the characteristics of any claim from which they depend, would meet the requirements of PCT in regard to inventive activities.